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January 26, 2001

Jeff S. Jordan, Esquire
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: MUR5164

Dear Mr. Jordan:

This firm represents the Performance Group. I have your letter of January 12, 2001 advising that the Reform Party of Connecticut has filed a complaint with the F.E.C. seeking additional information about contract payments made to the Performance Group by the Reform Party of the United States of America (RPUSA).

We have two objections to the complaint, one procedural and one substantive. First, the complaint fails to meet the requirements of the U.S.C. §437g(a)(1) in that it does not allege any violation by the Performance Group of any federal election law. Instead, the complaint appears to be directed against the RPUSA to have the F.E.C. compel the RPUSA to provide a more detailed post-campaign report as to its Performance Group expenditures. As you know, reporting on these expenditures is the obligation of the RPUSA and not the Performance Group. We therefore question whether the Performance Group is a proper respondent to the complaint.

Second, the RPUSA by its National Committee, its Treasurer and its Convention Committee Chairman lawfully contracted with the Performance Group to assist with the preparation and conduct of the RPUSA's 2000 Presidential Nominating Convention. This contract is entirely proper under 26 U.S.C. §9008(c). I have enclosed a copy of the contract for your review.

In light of the foregoing, we respectfully request that the complaint be dismissed as to the Performance Group because the complaint fails to allege any misconduct by the Performance Group cognizable by the F.E.C., and because the Performance Group plainly entered into a lawful contract with the RPUSA to perform the kinds of services contemplated by U.S.C. §9008 (c).

Thank you for your consideration of this response

Very truly yours,


Brian M. McCormack

enclosure
BMM/ljb

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